

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MARY ANN MULLINS,

Plaintiff/Counter-Defendant,

v.

No. 17-cv-0563 MCA/SMV

METROPOLITAN LIFE INSURANCE COMPANY,

Defendant/Counterclaimant/Third-Party Plaintiff,

v.

ESTATE OF ROYCE ALLEN,

Third-Party Defendant.


ORDER TO SHOW CAUSE

THIS MATTER is before the Court sua sponte. Plaintiff filed her Complaint against Metropolitan Life Insurance Company (“MetLife”) in state court on April 3, 2017. [Doc. 1-1] at 1–5. MetLife removed the case to this Court on May 17, 2017. [Doc. 1]. On May 24, 2017, MetLife filed its Answer and Counterclaim, in which it asserted a counterclaim against Plaintiff and also a third-party claim against the Estate of Royce Allen. [Doc. 7]. MetLife had 90 days from filing its Answer and Counterclaim, or until August 22, 2017, to effect service of process. Fed. R. Civ. P. 4(m) (2015). Nevertheless, there is no indication on the record that MetLife has served the Estate of Royce Allen.

IT IS THEREFORE ORDERED that MetLife show good cause why its claims against the Estate of Royce Allen should not be dismissed without prejudice for failure to comply with

the service provision of Rule 4(m). *See Espinoza v. United States*, 52 F.3d 838, 841 (10th Cir. 1995). MetLife must file its response no later than September 19, 2017.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge